IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

WSOU INVESTMENTS, LLC D/B/A	§	
BRAZOS LICENSING AND	§	**CIVIL ACTION 6:20-cv-00571-ADA**
DEVELOPMENT,	§	**CIVIL ACTION 6:20-cv-00572-ADA**
Plaintiff,	§	**CIVIL ACTION 6:20-cv-00573-ADA**
	§	**CIVIL ACTION 6:20-cv-00574-ADA**
	§	**CIVIL ACTION 6:20-cv-00575-ADA**
	§	**CIVIL ACTION 6:20-cv-00576-ADA**
	§	**CIVIL ACTION 6:20-cv-00577-ADA**
	§	**CIVIL ACTION 6:20-cv-00578-ADA**
v.	§	**CIVIL ACTION 6:20-cv-00579-ADA**
	§	**CIVIL ACTION 6:20-cv-00580-ADA**
	§	**CIVIL ACTION 6:20-cv-00581-ADA**
	§	**CIVIL ACTION 6:20-cv-00582-ADA**
	§	**CIVIL ACTION 6:20-cv-00583-ADA**
	§	**CIVIL ACTION 6:20-cv-00584-ADA**
GOOGLE LLC,	§	**CIVIL ACTION 6:20-cv-00585-ADA**
Defendant.	§	
	§	

CLAIM CONSTRUCTION ORDER

The Court provided its preliminary constructions on March 23, 2021. The Court held a

claim construction hearing on March 25, 2021. ECF No. 45.

After careful consideration of the parties' briefs, oral argument, and the applicable law,

the Court enters its final constructions for each term as shown below.

Claim Term/ Phrase	Court's Construction
"continuous wave doppler radar" United States Patent No. 9,335,825 Claims 1 and 19	Plain and ordinary meaning
"at least one memory and the computer program code are configured, with the at least one processor, to cause the apparatus to at least: detect that an application is being started on the	Subject to 35 U.S.C. § 112, ¶ 6. Function: detect that an application is being started on the apparatus; in response to the application being started on the apparatus,

apparatus; in response to the application being started on the apparatus, turn on a continuous wave doppler radar at the apparatus" United States Patent No. 9,335,825 Claim 1	turn on a continuous wave doppler radar at the apparatus Structure: none; indefinite
"tap direction" United States Patent No. 7,777,728 Claims 1, 11, 16	Plain and ordinary meaning
"communication traffic exchanged with a communication network subscriber over an access communication link" United States Patent No. 8,041,806 Claims 1, 9, 10, 11, 14	Plain and ordinary meaning
"access network" United States Patent No. 8,041,806 Claims 1, 7, 9, 10, 11, 14	Plain and ordinary meaning
"a behavioral information collector operable to monitor communication traffic exchanged with a communication network subscriber over an access communication link" United States Patent No. 8,041,806 Claims 1, 9, 10	Plain and ordinary meaning
"the behavioral information collector being configurable to collect from any of a plurality of types of communication traffic in the monitored communication traffic behavioral information indicative of behavior of the subscriber in using the access communication link", "the behavioral information collector operable to . . . collect from the monitored communication traffic behavioral information indicative of behavior of the subscriber in using the access communication link", and "the behavioral information collector being configurable to collect the behavioral information from any of a plurality of types of communication traffic in the monitored communication traffic" United States Patent No. 8,041,806 Claims 1, 9, 10	Plain and ordinary meaning
"alert" United States Patent No. 7,304,563 Claims 1, 12, 16	Plain and ordinary meaning
"alerting unit configured to issue an alert" United States Patent No. 7,304,563 Claim 1	Subject to 35 U.S.C. § 112, ¶ 6. Function: issue an alert

	Structure: The structure disclosed for the alerting unit (which includes a processor) must employ an algorithm to at least initiate a connection to another communication terminal over a network. The Court finds that no algorithm was disclosed. This term is indefinite.
"signaling unit configured to locally signal to a user" United States Patent No. 7,304,563 Claim 1	Subject to 35 U.S.C. § 112, ¶ 6. Function: locally signal to a user Structure: loudspeaker, light, vibrating unit, and equivalents thereof. '563 patent, 2:57-58, 4:4-8
"initiating [a/the] connection to the other communication terminal at a predetermined time offset from [signaling the user using the signaling unit/locally signaling the users/signaling the user by the signaling means]" United States Patent No. 7,304,563 Claims 1, 12, 16	Plain and ordinary meaning
"the terminal" United States Patent No. 7,304,563 Claim 12	Indefinite
"issuing means for issuing an alert" United States Patent No. 7,304,563 Claim 16	Subject to 35 U.S.C. § 112, ¶ 6. Function: issuing an alert Structure: Indefinite, see "alerting unit configured to issue an alert"
"autofocus algorithm" United States Patent No. 8,238,681 Claims 1, 9, 16, and 24	Plain and ordinary meaning. The Court notes that Plaintiff did not raise its proposed construction in its briefs.
"second part in between the first part and the second part" United States Patent No. 8,238,681 Claims 1, 9, 16, and 24	Indefinite
"means for assigning a focus value mask to each of the plurality of parts of the at least one sub-window"	Subject to 35 U.S.C. § 112, ¶ 6. Function: assigning a focus value mask to

United States Patent No. 8,238,681 Claim 24	each of the plurality of parts of the at least one sub-window Structure: none; indefinite
"a processor configured to ..." United States Patent No. 8,238,681 Claim 16	Plain and ordinary meaning
"broadcast" / "broadcasting" United States Patent No. 7,620,967 Claims 1, 7	Plain and ordinary meaning
"contact information" United States Patent No. 8,559,928 Claims 1, 15, 23	Plain and ordinary meaning
"tree structure" United States Patent No. 8,559,928 Claims 1, 15, 23	Plain and ordinary meaning
"a list of actions" and "a plurality of actions" United States Patent No. 8,751,585 Claims 1, 9, 17	Plain and ordinary meaning
"moving the selected electronic message from the inbox to the archive location after detection of the action defined in the archiving rule" United States Patent No. 8,751,585 Claim 1 "to move the selected electronic message from the inbox to the archive location after detection of the action defined in the archiving rule" United States Patent No. 8,751,585 Claim 9 "moving the first electronic message from the inbox of the electronic mail client associated with the user to the first storage location associated with the first archiving rule after the first action specified in the first archiving rule is detected" United States Patent No. 8,751,585 Claims 1, 9, 17	Plain and ordinary meaning
"client management processor configured to enable the user to select an electronic message from the inbox" United States Patent No. 8,751,585 Claim 9	Subject to 35 U.S.C. § 112, ¶ 6. Function: to enable the user to select an electronic message from the inbox

	Structure: indefinite
"a detection processor configured to detect the action defined in the archiving rule assigned to the selected electronic message was carried out" United States Patent No. 8,751,585 Claim 9	Subject to 35 U.S.C. § 112, ¶ 6. Function: to detect the action defined in the archiving rule assigned to the selected electronic message was carried out Structure: indefinite
"a collaborative application management processor configured to manage collaborative applications" United States Patent No. 8,751,585 Claim 9	Subject to 35 U.S.C. § 112, ¶ 6. Function: to manage collaborate applications Structure: indefinite
"stationary state" United States Patent No. 8,737,961 Claims 1 and 11	Plain and ordinary meaning
"incrementing [of] a count[er] for a stationary state" United States Patent No. 8,737,961 Claims 1 and 11	Plain and ordinary meaning
"determin[e/ing] a primary set of stationary states" United States Patent No. 8,737,961 Claims 1 and 11	Plain and ordinary meaning
"a pre-emptive user output" (all claims) United States Patent No. 8,965,045 (Proposed by Defendant)	An output provided to the user to pre-emptively avoid e.g. loss of tracking, an undesirable result
"said processor configured to provide a pre-emptive user output when the sub-set of pixels approaches an edge of the set of available pixels" United States Patent No. 8,965,045 Claim 1	Subject to means-plus-function treatment under 35 U.S.C. § 112, ¶ 6. **Function**: provide a pre-emptive user output when the sub-set of pixels approaches an edge of the set of available pixels. **Structure**: none; indefinite.
"a content transfer controller configured to determine an acceptable activity period by monitoring usage of the one or more components over a particular time duration, and wherein the content transfer controller is configured to determine that an acceptable activity period is present when the usage of	Plain and ordinary meaning

the one or more components is determined to have been below a particular threshold level over the particular time duration" United States Patent No. 8,595,283 Claim 1	
"the selected item of content" United States Patent No. 8,595,283 Claims 1, 2, 3, 10, 21	Plain and ordinary meaning
"an acceptable level of device activity" United States Patent No. 8,595,283 Claim 21	Plain and ordinary meaning
"monitoring usage of one or more components …over a particular time duration" United States Patent No. 8,595,283 Claims 1, 10	Plain and ordinary meaning
"client-side compositing of media streams" United States Patent No. 8,640,180 All claims	Preamble is limiting
"wherein the compositing-instruction substream indicating the area of the display screen to display the at least one media substream is an area to display one of the on screen display and a picture-in-picture" United States Patent No. 8,640,180 Claims 8, 21	Plain and ordinary meaning
"the input image" United States Patent No. 7,946,491 Claims 1, 13, 25, and 41	Plain and ordinary meaning
"performing a correction on the input image" United States Patent No. 7,946,491 Claims 1, 13, 25, and 41	Plain and ordinary meaning
"new frame" United States Patent No. 7,946,491 Claims 1, 13, 25, and 41	Plain and ordinary meaning
"computer program product comprising at least one computer-readable storage medium having computer-readable program code portions stored therein, the computer-readable program code portions comprising … a first/second/third/fourth/fifth executable portion for . . ." United States Patent No. 7,946,491 Claim 13	Plain and ordinary meaning
"apparatus comprising a processor and	Plain and ordinary meaning

memory including computer program code, the memory and the computer program code configured to, with the processor, cause the apparatus at least to . . ." United States Patent No. 7,946,491 Claim 25	
"means for processing an input image for an attempt to decode the input image using a current barcode reading method, the processing including performing a correction on the input image" United States Patent No. 7,946,491 Claim 41	**Function**: processing an input image for an attempt to decode the input image using a current barcode reading method, the processing including performing a correction on the input image **Structure**: 9:58 to 11:23, 15:25 to 16:52.
"means for determining whether the processing of the input image is successful based on a determination as to whether the correction is completed" United States Patent No. 7,946,491 Claim 41	**Function**: determining whether the processing of the input image is successful based on a determination as to whether the correction is completed **Structure**: processing element 72, operations 210
"means for switching to one of a different barcode reading method or processing a new frame of the input image using the current barcode reading method in response to the processing of the input image being unsuccessful" United States Patent No. 7,946,491 Claim 41	Function: switching to one of a different barcode reading method or processing a new frame of the input image using the current barcode reading method in response to the processing of the input image being unsuccessful **Structure**: processing element 72, operations 260, 270
"means for attempting a decode of the input image using the current barcode reading method in response to the processing of the input image being successful" United States Patent No. 7,946,491 Claim 41	**Function**: attempting a decode of the input image using the current barcode reading method in response to the processing of the input image being successful" **Structure**: barcode reading element 70, processing element 72, operations 210-220
"means for performing a switch to the different barcode reading method in response to a failure of the attempt to decode the input image using the current barcode reading method" United States Patent No. 7,946,491 Claim 41	**Function**: performing a switch to the different barcode reading method in response to a failure of the attempt to decode the input image using the current barcode reading method **Structure**: barcode reading element 70,

	processing element 72, operations 220-230,s 270

IT IS SO ORDERED.

SIGNED this 2nd day of June, 2021.

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ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE